Before 1876 Congress had granted to whatever parties should construct a railroad from at or near Leavenworth, Kansas, and from Junction City, Kansas, certain public lands in Kansas consisting of the odd numbered sections which had not been taken up by homesteaders before the definite location of the railroad. The Union Pacific Railroad Company had already been organized. There was organized about that time a railroad company called the Leavenworth, Lawrence & Galveston, known as the L.L. & G. Its proposed route was south from Leavenworth through Lawrence, through Ottawa and Iola, and ultimately was supposed to be built to Galveston, Texas. The Missouri, Kansas & Texas Railroad Company was not organized until somewhat later, and when organized it started to build what was known as a branch of the Union Pacific Railroad from Junction City to some point on the southern Kansas line.

What was called the map of definite location for both of these roads was filed with the Secretary of the Interior some time in 1876 and upon this filing the congressional grant became operative. When the roads were definitely located they over-lapped. The roads were entitled to select, within a strip ten miles on each side of the line of definite location, even numbered sections that were not taken to take the place of the odd numbered sections that had been taken by homesteaders.

I cannot take the time to give details about these land grants. It turned out, however, that the settlers went on taking homesteads,or applying for them, regardless of the railroad grants. Other individuals from time to time purchased various tracts of this land from the railroad companies and procured deeds to it. Litigation arose from this situation. The courts dealing with this condition of things were mostly honest and tried to be fair. The settlers had to admit that Congress made the grant of lands to the Railroad Company and that Congress

had a right to make this grant. Perhaps it was an unwise measure on the part of Congress, and from my knowledge of the history of the whole thing I think there were some dishonest members in the Kansas delegation to Congress at this time who probably got enriched more or less by reason of these land grants to the railroads; but be that as it may, the settlers found in handling the law suits for possession between themselves and the holders of the railroad title, that they were very liable to be defeated in the courts. In order to try and fight the thing out and pay the expenses of litigation they organized what has been generally termed "The Allen County Land League".

This was not done for the purpose of using force nor with any such intention, but as will always be the case in such an aggregation there will be people who are not content to let the law take its course and sometimes force will be resorted to when it is not wise to take such a course. Many law suits arose, both in the District Courts of the state of Kansas, mostly, however, in Allen and Neosho counties. A number of suits over this land title matter were handled in the Federal Courts, mostly at Fort Scott.

In '84 it happened, on account of my coming to this part of Kansas, that I became quite well acquainted with a great many of the people who belonged to this League. At that time, however, the League was breaking up. Before that there had been a house or two burned down and some shooting here and there had taken place, but in the workings of the Land League itself I have never heard of any murders being committed. There have been three or four murder cases in Allen County that arose out of conflicting claims of individuals to certain tracts of land, but the League itself was never accused of having in any manner instigated these crimes. I would say, from my acquaintance with many of the influential members of this Land League, that it contained a very high percent of the better citizenship, both men and women, but; as will always be the case, an element - to some extent criminal,

existed in this membership of the League, and they were the ones who brought upon it a more or less unenviable reputation.

In the end the courts had to sustain the railroad title. The leaders lost their claims and had to give them up. Many of them, however, I would say the majority, bought their claims of the railroads and paid for them - what was not a very big price - and it would have been wise on their part to have done so at the start instead of undertaking to resist the enforcement of the rights under the congressional grant.

The foregoing is what I would call Chapter I of this article about the League. I will add another chapter later on which will deal with some individual cases- two or three of which became of national importance, and some criminal cases that grew out of the natural hatreds and conflicting claims between individuals, some of which the League was wrongfully accused of instigating.

CHAPTER II

Before I came to Kansas a man by the name of Harper was killed by a young man by the name of Hawes in what is now the old West Union School District, about five miles southwest of the town of Bronson. Harper claimed the quarter section on which a very good spring existed and people would go there in extremely dry weather to haul water. It seems, however, that this young man Hawes was not a member of the League. Harper was, and also he was a much older man than Hawes. Some of Hawes' people had bought land in that neighborhood of the railroad company and I think perhaps Hawes father had a claim on the land that Harper had settled on. Anyhow, one day young Hawes went to that spring with a wagon and team to haul water and Harper came over to this spring, armed with a rifle, and ordered Hawes off the place. Hawes was also armed with a six shooter, and in the argument it seems that Harper started to shoot Hawes but Hawes acted quicker than he did and shot him and killed him. The trial of the case resulted, however, in a verdict against Hawes for manslaughter. The probabilities are he was only defending himself when he fired the fatal shot. Hawes spent about a year in the state penitentiary and was pardoned.

Another lamentable instance of the result of conflicting land claims in the same neighborhood resulted in the killing of three men in one conflict, whose names were Harclerode and McFarland and the third man's name I do not just now remember. One of them had bought of the railroad a quarter section about a mile from the place where Harper had been killed. This quarter section was claimed by a family by the name of Killiland, whose home joined this particular quarter section. There was the father and two grown sons. They had undertaken to hold this land as a homestead. The railroad title was paramount to any rights they had and the courts had so adjudged. When Harclerode and McFarland and the third man came on this place to build a house some time in the summer of 1883 and were

at work putting up the frame, the three Gillilands - one of whose names I remember was Ike, came riding over there on horseback and ordered these three house builders to leave. There probably would not have been any violence if they had done so; but, believing that they were not legally - or morally for that matter - obliged to leave the place, they prepared to resist. The result was that one of the house builders was killed instantly by a shot from a six shooter. The other two started to run. McFarland got a rather good lead but was overtaken by two of the Gillilands and killed with a studing. The other man was shot while running to get away. The Gillilands were tried for murder and convicted and sent to the penitentiary for life. I think perhaps one or two of them died in the penitentiary. The youngest one was afterwards let out on parole and may be living yet for all I know.

The Land League, however, as an organization had nothing to do with either one of these violent events.

There were other cases of assaults with intent to kill and people being wounded or hurt in the conflicts that came up. These are the only cases of wilful murder that I can think of at this time that grew out of these land conflicts. I was twenty years old when I came to that country. I heard both sides of the matter talked about and most of my associates for the first couple of years were people who belonged to the Land League or who had belonged to it. I rather think my sympathies were with the League people at that time and would be yet under the same conditions. However, from a legal standpoint the Leaguers were really in the wrong. Perhaps morally they were mostly right but in order to resolve this moral question in favor of the League you have to go back to the causes which were behind the land grant made by Congress to the railroads. I think there was more or less dishonesty behind that, as I said in Chapter I. I think some of the Kansas congressmen were to blame more than was ever really disclosed satisfactorily.

There were some cases where some homesteaders had made application to homestead where they were legally right. They were the ones who made application for a

homestead before the railroad companies had filed their maps of definite location of their roads. They succeeded in the litigation that arose over their particular claims. I have one especially in mind where a settled, namely: Newton L. Ard, still living and at all times a prominent man in Allen County and I would say one of the best men in every respect that I ever knew. He filed an application on an eighty acres of land in 1866 which happened to fall within the land grant that afterward was made to what is known as the M.K.& T. Railway Company. A man by the name of Brandon purchased this land from the railroad company. He sued Ard for possession in the Allen County District Court. Ard contested. That law suit commenced in 1885 while I was still working on a farm not very far away from where this land existed. Of course at that time I had never heard of such a law suit. It transpired, however, that this law suit was handled by three generations of attorneys. It was determined against Ard in the District Court of Allen County, Kansas. Ard appealed to the U.S. Supreme Court and reversed it. It came back and remained untried in the Allen County District Court for a number of years pending the outcome of a case that had been brought in the U. S. Court versus the M.K.& T. Railway Company by the government. The lawyers who originally had this case died in the meantime and other lawyers came into the case on Ard's side, and they had died. Some time in 1905 Brandon's lawyers brought the case up on the Allen County District Court trial docket for another trial. It had remained dormant by agreement. It happened that Mr. Ard selected the law firm of which I was a partner to defend this case. It fell to me to take charge of it. I tried the case in the District Court. Was successful. They appealed. I tried it in the Supreme Court of Kansas and was there successful. They appealed to the U.S. Supreme Court. I briefed it and argued it there, and was successful.

I little dreamed for instance back in 1885 when I was working on the farm and had never seen a law book that I would ever handle such a case. It illustrates, however, things of this kind may occur without anybody ever expecting it. In 1885 I just knew Mr. Ard by meeting him occasionally. I never had worked for him.